REMARKS/ARGUMENTS

Claims 1-21 are pending in the application. In the Office Action, claims 1, 7, 8, 10, 14, 18 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,390,252 to Suzuki, et al. (Suzuki). In addition, claims 2, 3, 9, 11-13, 19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of *Applied Cryptography* by Schneier (Schneier). Claims 4, 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Schneier and further in view of *OMNI Secure Terminal* by L-3 Communications (L-3 Comm.). Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of *FNBDT Signaling Plan* by General Dynamics (FNBDT Signaling Plan). Finally, claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of L-3 Comm. and FNBDT Signaling Plan.

A brief summary of the Suzuki reference may be helpful here. Suzuki discloses an authentication method for a communication terminal and a communication processing unit. In particular, in a first processing mode, the communication terminal will signal the processing unit with a service request signal. In response, the processing unit will request from a memory an authentication key Ka, and the memory will transmit the authentication key Ka to the processing unit. Once it receives the authentication key Ka, the processing unit generates a random number and enciphers the authentication key Ka with a second authentication key. The processing unit then transmits the enciphered signal and the random number to the communication terminal.

The communication terminal stores the enciphered signal and enciphers the random number by the authentication key Ka. The communication terminal then

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transmits the enciphered random number as a response signal to the processing unit, which verifies the validity of this response signal using the authentication key Ka and the random number.

In a second processing mode, the communication terminal transmits to the processing unit a second service request using the enciphered signal that the communication terminal previously stored. The communication terminal also transmits a mode specifying signal to the processing unit. The processing unit will then decipher the second service request with the second authentication key and will generate and transmit to the communication terminal a second random number.

In response, the communication terminal will encipher the second random number with the authentication key Ka and transmit this enciphered signal back to the processing unit. The processing unit will verify the validity of this signal using the authentication key Ka and the second random number. Suzuki describes handover or the completion of the communication service in the first processing mode as processes that initiate the second processing mode. At no time does Suzuki mention or even suggest switching between different communication types. In addition, neither Schneier, L-3 Comm. nor FNBDT Signaling Plan discuss, mention or even suggest switching between various communication types.

Independent claims 1 and 14 have been amended to clarify that the symmetric traffic key is established in a first type of communication and that the symmetric traffic key can be shared when the portable communication devices switch to a second communication type. Dependent claims 2, 5, 6 and 17 have been amended in a similar fashion. As those of skill in the art know, a communication type concerns communication protocols, such as CDMA, GSM, WLAN, etc., and communications

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systems, such as interconnect, dispatch and peer-to-peer. Thus, the invention at hand

focuses on switching between different communication protocols (e.g., from GSM to

CDMA) or between different communications systems (e.g., from interconnect to

dispatch).

Suzuki merely describes switching between different channels, i.e., frequencies,

in the same communication protocol and the same communication network. As noted

earlier, L-3 Comm. and FNBDT Signaling Plan do not describe switching between

different communication types. At best, L-3 Comm. briefly notes that FNBDT permits

interoperability between like and unlike devices. FNBDT Signaling Plan merely

presents signaling requirements for FNBDT for use in digital narrowband channels, like

digital cellular systems, such as GSM and CDMA.

Independent claims 11 and 21 have been amended to clarify that the secure

communication session can be established in a first type of communication and that a

second type of communication can be switched to, where the symmetric key can be

shared between portable communication devices. As explained above, none of the

prior art references cited by the Examiner show or even suggest such switching

between various communication types. Claim 13 has been canceled without disclaimer

or prejudice.

In view of the above, Applicant now believes that independent claims 1, 11, 14

and 21 are patentable over the prior art. Applicant also believes that those claims that

depend from independent claims 1, 11, 14 and 21 are patentable, both based on their

dependencies on the independent claims and their patentability on their own.

Reconsideration and withdrawal of the rejection of the claims is respectfully requested.

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Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.
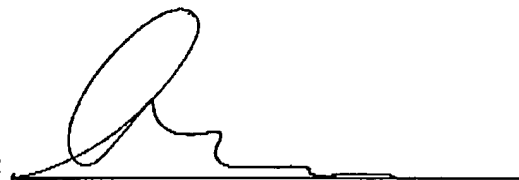
The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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